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5 UNITED STATES DISTRICT COURT
6 FOR THE EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,

Case No. 2:20-CR-0013-TOR

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9 Plaintiff,

10 v.

Protective Order Pursuant to
18 U.S.C. § 3509, Regarding
Identification of Minor Victims

11 FAINYAN KAIN JAMES KIMMERLY,

12
13 Defendant.

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15 BEFORE THE COURT is the United States' Unopposed Motion for
16 Protective Order Pursuant to 18 U.S.C. § 3509, Regarding Identification of Minor
17 Victims. ECF No. 17. The motion was submitted for consideration without oral
18 argument. Having reviewed the motion and the record, the Court is fully informed.

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20 GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED
21 that the privacy protection measures mandated by 18 U.S.C. § 3509(d) that apply
22 when a case involves a person under the age of eighteen years who is alleged to be
23 a victim of a crime of sexual exploitation, or a witness to a crime committed
24 against another person, apply to this case.
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1 IT IS FURTHER ORDERED that all persons acting in this case in a capacity
2 described in 18 U.S.C. § 3509(d)(1)(B), shall:
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- 4 1. Keep all documents that disclose the names, identities, or any other
5 information concerning children in a secure place to which no person
6 who does not have reason to know their contents has access; and
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- 8 2. Disclose such documents or the information in them that concerns
9 children only to persons who, by reason of their participation in the
10 proceeding, have reason to know such information.
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- 12 3. Not permit Defendant himself to review discovery outside the
13 presence of defense counsel or a defense investigator;
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- 15 4. Not permit Defendant to keep discovery in his own possession outside
16 the presence of defense counsel or a defense investigator;
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- 18 5. Not permit Defendant to keep, copy, or record the identities of any
19 child or victim identified in discovery in this case.
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21 IT IS FURTHER ORDERED that all papers to be filed in Court that disclose
22 the names or any other information identifying or concerning children shall be
23 filed under seal without necessity of obtaining a Court order, and that the person
24 who makes the filing shall submit to the Clerk of the Court –
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- 26 1. the complete paper to be kept under seal; and
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1 2. the paper with the portions of it that disclose the names or other
2 information identifying or concerning children redacted, to be placed
3 in the public record.
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5 IT IS FURTHER ORDERED that the parties and the witnesses shall not
6 disclose children's identities during proceedings in this case. The parties and
7 witnesses will refer to the alleged minor victims only by using agreed-upon initials
8 or pseudonyms (e.g., "Minor Victim 1"), rather than their bona fide names, in
9 motions practice, opening statements, during the presentation of evidence, in
10 closing arguments, and during sentencing.
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13 IT IS FURTHER ORDERED that the United States may produce discovery
14 to the defense that discloses the identity and images of alleged minor victims in
15 this case, in order to comply with the United States' discovery obligations.
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17 Defendant, his attorneys and investigators, and all of their externs, employees,
18 and/or staff members, shall keep this information confidential as set forth above.
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21 IT IS FURTHER ORDERED that this ORDER shall apply to any attorneys
22 who subsequently become counsel of record, without the need to renew or alter the
23 ORDER.
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25 IT IS FURTHER ORDERED that this ORDER shall apply to the personal
26 identifying information and images of any minors who are identified over the
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1 course of the case, whether or not such minors are known to the United States
2 and/or Defendant at the time the ORDER is entered by the Court.
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4 DATED February 28, 2020.



8 A handwritten signature in blue ink that reads "Thomas O. Rice".

9 THOMAS O. RICE
10 Chief United States District Judge
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